IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Tr.P(C).No. 91 of 2007

OP.225/2006 of FAMILY COURT, PALAKKAD

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PETITIONER

K.RAJI,
W/O.RAMACHANDRAN, AGED 24 YEARS,
KAIPARAMBIL HOUSE, P.O.ANJOOR, MUNDOOR, THRISSUR.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENT:

RAMACHANDRAN,
S/O.SANKUNNI, AGED 30 YEARS,
KOKANDATHU HOUSE, VALAMARA P.O.,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

Tr.P.(C) No.91 of 2007

Dated: September 10, 2007

ORDER

This petition is filed seeking transfer of O.P.No.225/2006 pending before the Family Court, Palakkad to the Family Court, Thrissur. The petitioner filed O.P.No.866/2006 before the Family Court, Thrissur for restitution of conjugal rights. The petitioner is the daughter of a coolie worker unable to maintain herself. Therefore, she filed M.C.NO.404/2006 seeking maintenance from her husband who is the respondent in this transfer petition.

2. The respondent/husband filed O.P.No.225/2006 before the Family Court, Palakkad for a decree declaring the marriage between the parties as null and void. The ground on which the declaration was sought for is that the petitioner/wife is keeping mental disorder. Annexure A-I is the petition filed by the respondent/husband. In Annexure A-1 petition she was arrayed as the respondent represented by her father on the allegation that she is a mentally disordered person and therefore cannot enter appearance on her own.

3. The respondent/husband has already entered appearance before the Family Court, Thrissur and he is contesting the two proceedings initiated by the wife which are pending before the Family Court, Thrissur.

4. According to the petitioner, the petitioner's father is a coolie worker and that the petitioner is also having no income and she is unable to maintain herself. According to her, she and her father are living in utter poverty and are not even

in a position to meet the travelling expenses to attend the case at Palakkad. According to her, the respondent is having means and he is financially able to attend the cases which are pending before the Family Court wherein he entered appearance.

5. O.P.No.866/2006 for restitution of conjugal rights and M.C.406/2006 for seeking maintenance are pending before the Family Court, Thrissur. Since the issues between the parties are common, in the interests of justice all the three cases are to be jointly tried in order to avoid conflicting decisions. Apart from that, the financial position of the petitioner is so pitiable and her request for transfer of the case from Palakkad to Thrissur is just and reasonable.

Accordingly, I order transfer of O.P.No.225/2006 pending before the Family Court, Palakkad to the Family Court, Thrissur. The Family Court, Thrissur shall take up the above three cases together and try them jointly as expeditiously as possible. Ordered accordingly.

HARUN-UL-RASHID
JUDGE

mt/-